

# Notice of Allowability

Application No.

10/761,898

Examiner

Lulit Semunegus

Applicant(s)

BENDER, TERRENCE

Art Unit

3641

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 3/18/2005.
2. ☒ The allowed claim(s) is/are 1-11, 21 and 22.
3. ☒ The drawings filed on 21 January 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

## DETAILED ACTION

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Jeremy Laabs on 6/9/05.

The application has been amended as follows:

12. ~~A gun action assembly comprising:~~ The assembly of claim 1, wherein the ~~the~~ ~~receiver having further comprises~~ a cartridge ejection port;  
the ~~the~~ ~~bolt-carrier having further comprises~~ a charging handle, ~~the bolt-carrier reciprocable in the receiver between battery and recoil positions, the charging handle extending through the cartridge ejection port;~~  
~~a spring for biasing the bolt-carrier toward the battery position; and~~  
~~a bolt;~~

wherein the charging handle prevents rotation of the bolt-carrier within the receiver.

13. The assembly of claim 12, wherein the charging handle is slidably engaged with the receiver within the cartridge ejection port.

14. The assembly of claim 12, wherein a portion of the charging handle contacts a portion of a wall surface of the receiver.

15-20. (Cancelled)

21. The assembly of claim 1, wherein the longitudinal axis of the action rod is parallel to a longitudinal axis of the bolt-carrier.

22. The assembly of claim 1, wherein the action rod prevents rotation of the bolt about its longitudinal axis when the cam pin is engaged with the action rod.

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- 23. The assembly of claim 12, wherein a cartridge case may be ejected from the gun action assembly through the cartridge ejection port.
- 24. The assembly of claim 12, wherein the charging handle may be used to manually actuate the bolt-carrier.
- 25. The assembly of claim 1, further comprising a gas elbow fixedly attached to the receiver, the gas elbow having a gas way; wherein gas pressure may be directed by the gas elbow to initiate recoil of the bolt-carrier.
- 26. The assembly of claim 25, wherein the gas elbow further comprises a gas tube.
- 27. The assembly of claim 26, wherein the bolt-carrier further comprises a gas port which receives the gas tube when the bolt-carrier is in the battery position.
- 28. The assembly of claim 25, further comprising an adjustable gas valve.
- 29. The assembly of claim 25, wherein the bolt-carrier includes a gas vent.
- 30. The assembly of claim 25, wherein the receiver further includes a variable decline angle accessory mount.

***Allowable Subject Matter***

- 2. Claims 1-14 and 21-30 are allowed.
- 3. The following is an examiner's statement of reasons for allowance: Upon review of the application filed on 1/21/2004, the art of record does not disclose or make obvious a gun action assembly as claimed wherein the longitudinal axis of the action rod being offset from the longitudinal axis of the bolt; and wherein the cam pin engages the action rod during a portion of the bolt-carrier travel, the action rod preventing rotation of the bolt when the cam pin is engaged with the action rod.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance".

**Conclusion**

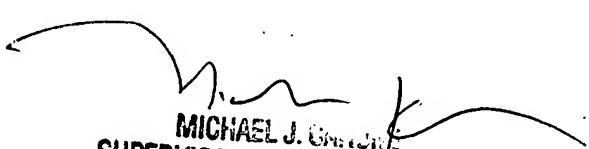
4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lulit Semunegus whose telephone number is (571) 272-6882. The examiner can normally be reached on Mon-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone can be reached on (571) 272-6873. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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6/9/05

Lulit Semunegus  
Examiner  
Art Unit 3641

  
MICHAEL J. CARONE  
SUPERVISORY PATENT EXAMINER